

ECUADOR

a. SUMMARY OF CLAIMS

TYPE	DATE	SOURCE	LIMITS	NOTES
I. TERRITORIAL SEA	1930	Art. 582 Book II <u>Registro Oficial</u> 2-b-510	3nm	
	Nov 50	Decree Law of Nov 50	12nm	Implied archipelagic baselines.
	Nov 66	Decree No. 1542	200nm	This claim is not recognized by the U.S. U.S. protested claim in 1967, 1986 and 1992 and conducted operational assertions in 1979, 1980, 1985, 1986, 1987, and 1989-1994.
	Jul 80	Note to IMCO of 2 May 1980		"Special area to be avoided" and mandatory navigation routes established to keep vessels at least 78 miles north and 145 miles south of Galapagos Archipelago.
II. ARCHIPELAGIC, STRAIGHT BASELINES, & HISTORIC CLAIMS	Nov 50	Decree		Territorial sea around Galapagos measured from farthest seaward islands; closing lines for bays, gulfs, straits, and canals.
	Nov 66	Decree No. 1542		Established straight baselines; archipelagic baselines inferred around Galapagos.
	Jul 71	Supreme Decree No. 959-A		Effectuated changes to straight baselines for mainland and Galapagos. These straight baseline claims are not recognized by the U.S. U.S. protested claims in 1986.
IV. CONTINENTAL SHELF	Feb 51	Legislative Decree	200m	
	Sep 85	Presidential Proclamation		Extended continental shelf out along undersea Carnegie Mountain range to include Galapagos Archipelago. This claim is not recognized by the U.S. U.S. protested claim in 1986.
V. FISHING ZONE/EEZ	Feb 38	Regulation of 2 Feb 38	12nm	Fishing zone.
	Feb 51	Decree Law 003	200nm	Fishing zone.
	Mar 69	Law of Fishing & Fishing Development	200nm	Fishing zone.
VII. MARITIME BOUNDARIES	Aug 52	Joint Declaration		Maritime Joint Declaration with Peru and Chile.
	Feb 75	Aug 52 Agreement		Joint declaration with Chile and Peru delimiting general maritime zone of not less than 200 nm from coast.

TYPE	DATE	SOURCE	LIMITS	NOTES
VII. MARITIME BOUNDARIES (Cont.)	Dec 75	Agreement		Maritime boundary agreement with Colombia EIF.
	Mar 85	Agreement		Maritime boundary agreement with Costa Rica signed.

b. DOMESTIC LEGISLATION AND REGULATIONS

1. STRAIGHT BASELINES

A. LEGISLATION. The Ecuadoran straight baseline system, consisting of geographic reference points, includes five points (four segments) along the continental coastline and eight points (eight segments) around the Galapagos Islands (Archipelago de Colon). The following extracts from Supreme Decree No. 939-4, issued 28 June 1971 and published in the Official Register in July 1971, identify all of the Ecuadoran basepoints and segments:

Whereas article 628 of the Civil Code in force provides that the Ecuadoran territorial sea shall be measured in both the continental territory of the Republic and the Colon Archipelago (Galapagos Islands), from the straight baselines which will be determined for this purpose by Executive Decree; and

Whereas a Commission composed of representatives of the Ministry of Foreign Affairs, the Navy and the Military Geographic Institute has studied the plotting of such lines and determined their course; and

Whereas such study has been approved by the Ministry of Foreign Affairs and the Ministry of National Defense on the grounds that it is in the national interest and fully conforms to the rules of international law which are in force on the matter.

It is hereby decreed:

Article 1. The straight baselines from which the breadth of the territorial sea of the Republic shall be measured shall be constituted by the following traverses:

I. On the continent

(a) The line shall start from the point of intersection of the maritime frontier with Colombia, with the straight line Punta Manglares (Colombia)-- Punta Galera (Ecuador);

(b) From this point a straight line passing through Punta Galera and meeting the northernmost point of Isla de la Plata;

(c) From this point a straight line to Puntilla de Santa Elena;

(d) A straight line from Puntilla de Santa Elena in the direction of Cabo Blanco (Peru) to the intersection with the geographic parallel constituting the maritime frontier with Peru.

II. In the Colon Archipelago (Galapagos Islands)

(a) From Islote Darwin a straight line to the northeastern tip of Isla Pinta.

(b) A straight line to the northernmost point of Isla Genovesa;

(c) A straight line passing through Punta Valdizan, Isla San Cristobal, and intersecting the northern extension of the straight line joining the south-eastern tip of Isla Espanola to Punta Pitt, Isla San Cristobal;

(d) A straight line from this intersection to the southeastern tip of Isla Espanola:

(e) A straight line to Punta Sur, Isla Santa Maria;

(f) A straight line passing through the southeastern tip of Isla Isabela, near Punta Essex, and intersecting the southern extension of the line joining the outermost projecting point of the western coast of Isla Fernandina, approximately in its middle, with the western tip of the southern sector of Isla Isabela, in the vicinity of Punta Cristobal;

(g) From this point of intersection a line passing through the western tip of the southern sector of Isla Isabela, in the vicinity of Punta Cristobal, to the outermost projecting point on the western coast of Isla Fernandina, approximately in its middle; and

(h) A straight line to Isla Darwin.

Article 2. The sea areas lying between the lines described in article 1(I) and the coast line on the Continent, and within the lines described in article 1(II), in the Colon Archipelago, shall constitute internal waters.

c. MARITIME BOUNDARIES

1. MARITIME BOUNDARY AGREEMENT: ECUADOR-PERU

The following excerpts from an agreement between the governments of Ecuador and Peru," and the analysis which follows, are extracted from Limits in the Seas, No. 88, "Maritime Boundary: Ecuador-Peru," October 2, 1979:

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... The maritime zone of an island or group of islands belonging to one declarant country and situated less than 200 nm from the general maritime zone of another declarant country shall be bounded by the parallel of latitude drawn from the point of which the land frontier between the two countries reaches the sea.

2. ANALYSIS

The Ecuador-Peru maritime boundary and the special maritime frontier zone are illustrated on the [map attached to LIS No. 88]. According to the 1952 Declaration on the Maritime Zone, the maritime boundary extends seaward on the parallel of latitude of the seaward terminus of the land boundary. Hito, or pillar, No. 1, established by the Rio de Janeiro Protocol in 1942 and demarcated by the Ecuador-Peru Mixed Demarcation Commission, is situated at Boca de Capones at 3°23'33.96"S., 80°19'16"W. There seems to be some question as to whether this point defines the latitude of the maritime boundary. An aide-memoire received by the United States Government from the Ecuadorean Government described the boundary in the following manner:

The de jure boundary line between Ecuador and Peru begins in the mouth of the Tumbes River in the Pacific Ocean. Consequently, the parallel which by law should serve as the maritime boundary between Ecuador and Peru has the following latitudinal coordinates: 3°23'33.96"S.

The de facto maritime boundary which corresponds to the Boca Capones parallel, the point at which the 1942 line reaches the sea has the following coordinates: 3°13'33.96"S.

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